



October 5, 2006

Docket Number (FTA Docket Number 2006-22428) - 8

Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street SW  
Nassif Building PL 400  
Washington, DC 20590-0001

I am writing regarding the FTA's Notice of Proposed Rulemaking (NPRM) for procedures seeking emergency relief from policy statements, circulars, guidance documents, and regulations during times of regional and national emergencies.

The following are comments regarding the Notice of Proposed Rulemaking:

Whether a State Governor's declaration of an emergency should also trigger these emergency relief procedures:

- It is understood that the emergency procedures apply only to a Presidential declaration of a national or regional emergency, or anticipation of such. However, we strongly recommend and support the inclusion of a State Governor's declaration in the proposed emergency relief procedures. There have been instances where the Presidential declaration has lagged which resulted in delay of emergency relief to the impacted area/region.

Whether it would be helpful, when opening an emergency relief docket, for FTA to proactively extend relief from certain policies, circulars, guidance or regulations to the geographical area(s) most impacted by the emergency, rather than waiting for transit agencies to request relief:

- During an emergency or disaster, transit systems must have the ability to respond immediately. By proactively granting relief from certain policies, circulars, etc for those in the impacted area this will allow the transit agencies to focus its attention on providing a timely response to emergency in its area/region. By providing this proactive service FTA relieves the transit agencies of the burden of trying to ensure during an

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emergency that they have requested relief from all applicable policies, circulars, guidance, or regulations.

Whether the procedures contained in the NPRM would provide the necessary relief while also allowing the private sector to participate in transit relief efforts:

- The procurement regulations and standards should not be completely relaxed as to create abuse and misuse. However, we support emergency contracting with specific guidelines and standards that support the competitive bid process. For example, preference may be given to local private companies that can provide the service versus an out of state firm that would incur additional expense for having to mobilize onsite.

Whether the proposed three business day period is a sufficient amount of time to provide comments on petitions for relief:

- The proposed three business day period may not be sufficient based on the disaster and/or emergency. Consideration should be given to extending the period to a five business day period. Also, in the event a docket request is reopened FTA may want to consider in addition to posting that information or notice on the docket, immediately contacting the impacted transit agency(s). Because if the transit agency is addressing emergency disaster issues checking the FTA docket may not be a high priority.

If any additional information is needed regarding these comments please feel free to contact Gail Charles Wright, Administrative Officer at (909) 379-7116.

Sincerely,



Durand L. Rall  
CEO/General Manager

DR:so